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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JIANLIANG ZHU,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the  
 Department of Homeland Security;  
 CHRISTINA POULOS, Director,  
 California Service Center, U.S.C.I.S.;  
 CONDOLEEZZA RICE, Secretary of State,

Defendants.

No. C 08-0304 JCS

**STIPULATION TO HOLD CASE IN  
 ABEYANCE; and [PROPOSED] ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys  
 of record, hereby stipulate, subject to the approval of the Court, to the following:

1. Plaintiff filed this action on January 16, 2007, asking this Court to direct the United States  
 Citizenship and Immigration Services (USCIS) to adjudicate his I-824 Application (Application  
 For Action On An Approved Application or Petition) and the Department of State to issue an  
 immigrant visa to his son.

2. The USCIS approved the plaintiff's I-824 application on March 5, 2008.

3. On March 24, 2008, this Court approved the parties' stipulation to extend the answer  
 deadline to April 11, 2008, and to extend the date of the case management conference to May 9,

1 2008.

2 4. On April 4, 2008, this Court approved the parties' stipulation to extend the answer date, the  
3 ADR date, the joint case management date, and the case management conference date, in light of  
4 the fact that USCIS had recently forwarded the approved I-824 to the Department of State's  
5 National Visa Center, which is the first step in the process of issuing a visa.

6 5. The approved I-824 has recently been routed to the American Consulate in Guangzhou,  
7 China, for processing of the visa application.

8 6. The American Consulate in Guangzhou will begin processing the visa application once the  
9 applicant provides a name, date and place of birth, and Chinese mailing address.

10 7. Although the statutory quota for employment-based third preference applicant (EB-3) has  
11 been filled this year and a visa cannot be issued in this case until October 1, 2008, the consulate  
12 can begin processing the case now (after the plaintiffs submit the information referred to in  
13 paragraph six).

14 8. In light of the information set forth above, the parties respectfully ask this Court to hold this  
15 case in abeyance for four months, in light of the reasonable possibility that this case may be  
16 administratively resolved in the interim.

17 9. In the event the case is administratively resolved, the parties will file a stipulation to  
18 dismiss. If the case is not administratively resolved within four months, the parties will ask this  
19 Court to set a case management conference and will submit a joint case management statement at  
20 least seven days in advance of the case management conference.

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2  
3  
4 Date: July 18, 2008

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7 /s/  
8 EDWARD A. OLSEN  
9 Assistant United States Attorney  
10 Attorneys for Defendants

11 Date: July 18, 2008

12 /s/  
13 JUSTIN X. WANG  
14 Attorney for Plaintiff

15 **ORDER**

16 Pursuant to stipulation, IT IS SO ORDERED.

17 The cmc set for 7/25/8 at 1:30 PM has been continued to 11/14/8 at 1:30 PM.

18 Date: July 21, 2008

19 JOSEPH C. SPERO  
20 United States Magistrate Judge

